

Remarks/Arguments

The original claims are replaced by new claims 8, 9 and 10. The new claims are supported by the specification and the original claims.

All rejections of claim 7 are rendered moot by the cancellation of the subject matter covered by this claim.

Applicants submit that the rejection of claims 1, 3 and 5-7 under 35 USC 112, second paragraph, are overcome by the new claims here presented.

Claims 1-5 were rejected under 35 USC 103(a) over Zimmermann et al in view of Ekwuribe et al. Applicants request reconsideration of this rejection as it may apply to the new claims here presented.

Example 23 provides data which demonstrates the patentability of the presently claimed salts based on their unexpectedly superior solubility properties. The combined disclosure of the references would not lead the skilled artisan to expect that presently claimed salts to have a solubility above 50 mg/ml. Therefore, the data provided in the specification demonstrates the patentability of the presently claimed invention.

Applicants request reconsideration and withdrawal of the rejection under 35 USC 103 for the reasons discussed above.

Applicants further assert that the data provided in Example 23 also demonstrates the patentability of the present claims over the disclosure of claims 1-8 of U.S. Patent No. 7,893,076 in view of Ekwuribe et al. Therefore, Applicants request withdrawal of double patenting rejection over claims 1-8 of U.S. Patent No. 7,893,076 in view of Ekwuribe et al.


Entry of this amendment and reconsideration and allowance of the claims are respectfully requested.

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Respectfully submitted,


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